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March 26, 2007

**VIA HAND DELIVERY AND CM/ECF**

The Honorable Sue L. Robinson  
United States District Court for the  
District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: DRBA v. Jan D. Kopacz, D. Del. C.A. No. 07-0008-SLR**

Dear Judge Robinson:

In accordance with Your Honor's March 9, 2007 Order, my firm has caused to be electronically filed today a Proposed Discovery Order, which has been agreed to among the parties. I would note for Your Honor's convenience that the parties have suggested a summary judgment motion deadline in paragraph 5, but would like to discuss with the Court the possibility of proceeding to summary judgment briefing on a narrow issue, which could, conceivably, resolve the case, in advance of the referenced deadline. Plaintiff's counsel anticipate raising this issue during the March 28, 2007 teleconference.

I would also note, for Your Honor's convenience, that I have a 9:15 a.m. motion hearing before The Honorable Jan R. Jurden of the Superior Court on Wednesday; my colleague, Edward B. Rosenthal, will participate in the teleconference before Your Honor, in my absence, together with plaintiff's lead counsel, Mary Elisa Reeves.

Respectfully,

/s/ Carmella P. Keener  
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CPK/jls

cc: Bernard A. Van Ogtrop, Esquire (via electronic filing)  
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Mary Elisa Reeves, Esquire (via electronic mail)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DELAWARE RIVER AND BAY	:	
AUTHORITY,	:	C.A. No. 07-00008-SLR
	:	
Plaintiff	:	
v.	:	
	:	
JAN D. KOPACZ,	:	
Defendant.	:	

[PROPOSED] DISCOVERY ORDER

1. **Pre-Discovery Disclosures.** The Parties have exchanged the information required by Fed. R. Civ. P. 26(a) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

Plaintiff will need discovery as to plaintiff's medical condition, medical treatment, living expenses, as well as his application for and receipt of disability and social security benefits. Plaintiff will also seek discovery on the consequential damages alleged in his Counterclaim.

If plaintiff will not stipulate to the relevant facts, defendant will need discovery on all facts related to the acquisition of the wage continuation policy and its scope and also on the availability of expert advice on maintenance law to plaintiff in addition to plaintiff's counsel. Defendant will also need discovery on plaintiff's surveillance evidence if it has any although defendant will object to its use since plaintiff did not disclose its existence in answers to interrogatories.

- (b) All discovery shall be commenced in time to be completed by August 1, 2007.
- (c) Maximum of 25 interrogatories by each part to any other party.
- (d) Maximum of 25 requests for admission by each party to any other party.
- (e) Maximum of 5 depositions by plaintiff and 3 depositions by defendant.
- (f) Each deposition limited to a maximum of 7 hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by August 15, 2007. Rebuttal expert reports due by September 15, 2007.
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the Court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties and/or amend the pleadings shall be filed on or before April 15, 2007.

4. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thyng for the purposes of pursuing ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before June 30, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of Court.

6. **Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del LR 7.1.1.**
7. **Motions in Limine.** All motions in limine shall be filed on or before **[two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **[one week before pretrial conference]**.
8. **Pretrial Conference.** A pretrial conference will be held on \_\_\_\_\_ at \_\_\_\_\_ m. in Courtroom 6B, Sixth Floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2007.

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U.S.D.J.